IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14584 of 2004

Between:

K.Seshi Reddy, s/o late Rudraiah Gouda,
r/o Kogilathota Village, Holagunda Mandal,
Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Holagunda Mandal,
Kurnool District.
4 K.Nagireddy, s/o K.Ranga Reddy,
r/o Kogilathota Village, Holagunda Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent staying the 2nd respondent proceedings Rc.M.444/2004 dt.2-8-2004 by his proceedings Rc.CS3/206/2004 dt.12-8-2004 without any notice to the petitioner is illegal, arbitrary, unjust and against the principles of natural justice and consequently direct the 1st respondent to issue directions to the 2nd and 3rd respondent permitting the petitioner to lift the commodities pending disposal of the appeal before the 1st respondent and pass such order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.V.CHALAPATHI RAO

Counsel for Respondent 1 to 3: The Government Pleader for Civil Supplies.

Counsel for Respondent No.4: Mr.M.Ramalingeswara Reddy

The Court at the stage of admission made the following Order:

This writ petition is filed seeking a declaration that the proceedings of the first respondent-Joint Collector, Kurnool, Kurnool District dated 12-08-2004, under which the proceedings of the second respondent-Revenue Divisional Office, Adoni, Kurnool District dated 02-08-2004 have been stayed, as arbitrary, illegal and in violation of the principles of natural justice.

The petitioner was appointed as Fair Price Shop dealer of Kogilathota village, Holagunda Mandal, Kurnool District on temporary basis on 20-01-2003. It appears that subsequently a vacancy has been notified on 29-05-2004 for appointment on permanent basis. In pursuance of said notification, both the petitioner and the fourth respondent have submitted their applications. The second respondent after following due process of selection, appointed the fourth respondent as the Fair Price Shop dealer through his proceedings dated 27-06-2004. Aggrieved by the same, the petitioner preferred an appeal before the first respondent. Pending the said appeal, the first respondent through his orders dated 26-07-2004 stayed the orders of the second respondent dated 27-06-2004 till the appeal is finalized. In pursuance of the same, the second respondent through his proceedings dated 02-08-2004 directed the third respondent-Mandal Revenue Officer, Holagunda Mandal, Kurnool District to continue the petitioner till further orders. However, it appears that in the meanwhile, the fourth respondent approached the first respondent and at his instances, the first respondent passed an order dated 12-08-2004 directing the second respondent to make alternative arrangements observing that the question of continuing the petitioner does not arise as the vacancy was notified. Challenging the said order, this writ petition has been filed.

This Court while directing notice to the respondents by order dated 18-08-2004, keeping in view that the petitioner had already deposited the requisite amount for lifting the essential commodities for the month of August 2004, directed the respondents 2 and 3 to permit the petitioner to lift the commodities for the month of

August, 2004. However, now it has been brought to my notice that by virtue of the impugned order, alternative arrangements have already been made and one Smt.Siddamma, the adjacent dealer has lifted the stocks for the month of August, 2004.

Having heard the learned counsel for both the parties and on perusal of the material on record, I am of the view that no purpose will be served by keeping this writ petition pending. Instead it would be appropriate to direct the first respondent to consider the appeal pending on his file and to pass appropriate orders expeditiously after hearing all the parties concerned.

Accordingly, the writ petition is disposed of with a direction to the first respondent-Joint Collector, Kurnool, Kurnool District to dispose of the appeal pending on his file as expeditiously as possible, preferably within a period of three weeks from the date of receipt of this order. Till the disposal of the appeal, it is left open to the respondents to get the essential commodities distributed by making alternative arrangements. Since the petitioner states that he has already paid the requisite amounts for the month of August, 2004, it is open to the petitioner to make appropriate application before the second respondent-Revenue Divisional Officer, Adoni, Kurnool, in which event, the same shall be considered in accordance with law.

The writ petition is accordingly disposed of. No costs.

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02-09-2004

Note: Issue C.C. by two days.

(B/o)

kdl

To

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Holagunda Mandal,
Kurnool District.
4 Two C.Cs. to the Government Pleader for Civil Supplies, High

Court Buildings, A.P., Hyderabad, (OUT).

5 Two C.D. Copies.